

**REGULAR SESSION OF THE
BRIGHAM CITY COUNCIL
JANUARY 21, 2010**

PRESENT:	Dennis Fife	Mayor
	Bruce Christensen	Councilmember
	Scott Ericson	Councilmember
	Ruth Jensen	Councilmember
	Bob Marabella	Councilmember
ALSO PRESENT:	Doug Balmer	Golf Course Greens Superintendent
	Rick Bosworth	Human Resource Coordinator
	Ben Boyce	Leisure Services Director
	Mark Bradley	City Planner
	Jim Buchanan	Emergency Services Director
	Mary Kate Christensen	City Recorder
	Blake Fønnesbeck	Public Works Director
	Nancy Jo Green	Senior Center Director
	Paul Larsen	Economic Development Director
	Bruce Leonard	City Administrator
	Sara Lundberg	Museum-Gallery Director
	Mike Nelsen	Police Lieutenant
	Jim Openshaw	Fleet Manager
	Tyler Pugsley	Public Works Assistant Director
	Jason Roberts	Finance Director
	Paul Tittensor	Chief of Police
	Dennis Vincent	Police Lieutenant
EXCUSED:	Tyler Vincent	Councilmember

Mayor Fife called the meeting to order and excused Councilmember Vincent. The Reverence Period was given by Pastor Galica from the Holy Cross Lutheran Church. The scouts in the audience led the Pledge of Allegiance. A motion to approve the minutes of December 3, 2009 Work Session and Council Meeting, December 10 and 15 and January 4, 2010 Special Meetings was made by Councilmember Christensen. The motion was seconded and carried.

**PUBLIC COMMENT
CONSENT**

- Appointment to the Public Utility Advisory Board
- Appointment of Chairman of the Recreation and Parks Commission
- Reappointments to the Shade Tree Commission
- Reappointments to the Fire Prevention Bureau
- Reappointments to the Neighborhood Pride Council
- Sale of Mantua Property
- Promotion in the Public Power Department
- Appointments by Mayor

PUBLIC HEARING

- Intent to Surplus a Parcel of Real Property Located at 1403 North 500 West Containing 0.23 Acres and Zoned R-1-8

SCHEDULED DELEGATION

- Presentation of Certificate of Achievement for Excellence in Financial Reporting
- Violence Awareness Month

NEW BUSINESS

- Request for Replacement of Airport Snow Blower
- Presentation of 2009-10 Audit

PLANNING COMMISSION BUSINESS

- Amendment to City Code Chapter 29.21, West Forest Street Corridor Overlay, to Include Acceptable Uses and Additional Prohibited Uses

MAKING LIFE BETTER - DEPARTMENT REPORTS

OTHER BUSINESS

CLAIMS

Payment Register

PUBLIC COMMENT

Bret Reeder - Mr. Reeder owns property on West Forest and expressed concern that the property owners were not aware of the City's intent to amend the West Forest overlay scheduled under Planning Commission Business. He requested the Council table this so property owners can get more information and have an opportunity to give input to the Planning Commission. Mr. Bradley stated that a public hearing was held at a Planning Commission meeting. A public hearing is not required during City Council. Mayor Fife said the Council would consider this when this item comes before the Council.

CONSENT

Appointment to the Public Utility Advisory Board

It was recommended Armando Portillo be appointed to serve on the Public Utility Advisory Board.

Appointment of Chairman of the Recreation and Parks Commission

It was also recommended Ron Papworth serve a one year term as Chairman of the Recreation and Parks Commission.

Reappointments to the Shade Tree Commission

Phyllis Nielsen and Mary Coleman were recommended for re-appointments to the Shade Tree Commission.

Reappointments to the Fire Prevention Bureau

The following individuals were recommended for appointment to the Fire Prevention Bureau: Jim Buchanan (Chairman), Art Petersen, Fire Chief, Jerry Peterson, Matt Romer, Mike Young and John Reese.

Reappointments to the Neighborhood Pride Council

It was recommended the City Council approve Reed Burke, Bonnie Germer to serve another term on the Neighborhood Pride Council.

Sale of Mantua Property

A real estate purchase contract was presented for approval of the sale of the Mantua property to Cammon and Jan Arrington for \$160,400.

Promotion in the Public Power Department

Dave Burnett was recommended for promotion to Public Power Director, Grade E75, effective January 22, 2010.

Appointments by Mayor

A list of staff appointments was presented for approval.

MOTION: A motion to approve the Consent Agenda was made by Councilmember Marabella, seconded and carried.

ADMINISTRATION OF THE OATHS OF OFFICE

Mary Kate Christensen administered the Oath of Office to the following appointed employees:

Bruce Leonard, City Administrator
Jason Roberts, Director of Finance
Dave Burnett, Director of Public Power
Blake Fannesbeck, Director of Public Works
Paul Tittensor, Police Chief
Ben Boyce, Director of Leisure Services

Deniece Roche, City Treasurer
Nancy Jo Green, Senior Citizen Director
Rick Bosworth, Human Resource Coordinator
Jim Buchanan, Director of Emergency Services
Paul Larsen, Director of Community and
Economic Development

Jason Roberts, as Deputy City Recorder, then administered the Oath of Office to Mary Kate Christensen. The Oath will be administered to Sara Lundberg, Museum-Gallery Director, at a later date.

PUBLIC HEARING

Intent to Surplus a Parcel of Real Property Located at 1403 North 500 West Containing 0.23 Acres and Zoned R-1-8

Mr. Leonard explained that this property is located in the North 40 Subdivision. The Council determined in a previous meeting that this property should be surplus. A public hearing is required by State Statute before a parcel of real property can be surplus.

A motion to open the public hearing was made by Councilmember Marabella, seconded and carried. There were no comments from the public. A motion to close the public hearing was made by Councilmember Christensen, seconded and carried.

SCHEDULED DELEGATION

Presentation of Certificate of Achievement for Excellence in Financial Reporting

Mr. Dennis Sheffield, former Director of Finance, came forward and presented the City with the Certificate of Achievement for Excellence in Financial Reporting. This is the 23rd consecutive year the City has achieved this designation.

Violence Awareness Month

Mr. McFarland and Shauna Barfuss came forward. Ms. McFarland thanked the Council for their annual contribution and read the proclamation declaring February Violence Awareness Month.

MOTION: Councilmember Christensen made a motion to authorize the Mayor to sign the proclamation, seconded and carried.

NEW BUSINESS

Request for Replacement of Airport Snow Blower

Mr. Fonnesbeck and Mr. Openshaw came to the table. Mr. Fonnesbeck explained that during the last snowstorm the 1992 snow blower they use at the airport broke down. It is beyond repair and parts are not available for this particular machine because the manufacturer no longer exists. The snow blower is used at the airport to remove large windrows of snow between the runway and runway lights. It is also used for loading the middle windrow off of Main Street and loading it into trucks to haul away. It is a very critical part of the City's fleet in the winter time. It is estimated a replacement will cost between \$86,000 to \$131,000. Over the years \$80,000 has been paid into the equipment lease fund for the replacement of the snow blower. There is approximately \$260,532 in the Sales of Assets fund.

Councilmember Marabella expressed concern that this piece of equipment has not been on the fleet rotation list and been replaced before it was 18 years old. He felt this is an expensive piece of equipment and is not used very often. Mr. Fonnesbeck said it is a critical piece of equipment when it is needed.

Councilmember Marabella recommended waiting until the 2010-11 budget process begins and that Mr. Openshaw put it on the equipment list for the budget. He did not feel it would be needed until then.

Councilmember Christensen felt that the Sales of Assets fund is set up to use in emergencies such as this, and felt the snow blower should be replaced with these funds.

MOTION: Councilmember Christensen made a motion to authorize the Public Works Department and Fleet Department to go out for bid and find out what is available. The motion died for lack of a second.

MOTION: Councilmember Marabella made a motion to delay the purchase and put it in the 2010-11 budget. The motion was seconded by Councilmember Jensen. Councilmember Ericson, Councilmember Jensen and Councilmember Marabella voted aye. Councilmember Christensen voted nay. The motion carried 3-1.

Presentation of 2009-10 Audit

Mr. Roberts presented the 2009-10 audit (see attached).

Cathy Hershey and Jody McFall came forward and reviewed their findings. Ms. McFall reported that they have audited the financial statements of the City for the year ended June 30, 2009 and gave a clean opinion on the financial report and internal controls. They also gave a clean report on grants received by the City from the State of Utah.

There were a few minor findings while auditing the City.

1. Administration, Risk Management, RDA Trust, Library, EDA X20, RDA West Forest and the Airport budgets were over budget. They recommended the City monitor expenditures and make necessary budgetary changes when appropriate.
2. Utah Code requires that all public funds be deposited daily whenever practicable, but not later than three business days after receipt. They found that several departments that collect money do not turn in the money to the City Treasurer within the three-day requirement. It was recommended that the City review the state requirements with all departments that collect funds. The City Treasurer should monitor all departments which collect money to ensure compliance.
3. Appropriations in the final budgets may not be made for any fund in excess of the estimated expendable revenues for the budget year. Deficits in any fund are illegal. Deficit fund balances were found in the RDA and EDA funds. The City should take corrective measure to bring these balances into compliance in the near future. The auditors recommended the City carefully consider future projects that request RDA or EDA status. These deficits will be eliminated when the tax increment begins to be collected.
4. As of June 30, 2009, the general fund unrestricted fund balance exceeded the 18% allowed by the state. The City will need to reduce the General Fund balance below 18% in the 2010-11 budget.
5. State Statue requires that a schedule of impact fees collected be prepared by project, certified by the Mayor and submitted to the Utah State Auditor's Office. This report was not submitted prior to December 22, 2009. However, it was completed and submitted prior to the December 31, 2009 deadline.
6. While reviewing journal entries, they found that there was not always supporting documentation attached to purchase orders. Backup documentation should accompany all purchase orders and the reviewer should not sign the purchase order unless there is backup.
7. While reviewing the internal control at the cemetery, they noted that there were few controls over the funds collected. Monies are collected by several individuals. They recommended cemetery personnel work with the City Treasurer to create a report that will reconcile funds received, provide an analysis for department revenue and be auditable for internal control. This is a continuing finding.
8. While reviewing the grant documentation, they found that new grant agreements obtained during the year were not always forwarded to the City Recorder or City Treasurer. They have suggested in the past that all grants be directed to the City Recorder with copies to the City Treasurer so that payment can be expected and tracked. While this has improved from prior years, Directors still need to be diligent in forwarding grant information to the City Recorder and Treasurer.
9. State Statue requires a minimum level of bonding for the City Treasurer based on budgeted revenue. Due to the City receiving additional federal grants for the airport that increased their budgeted revenue, the bond for the City Treasurer was \$14,000 too low. The auditors recommended the City review the budgeted revenue and make this calculation during the year when there are adjustments to the operating budget.
10. While reviewing the utility accounts receivable, it was noted that the bad debt write offs had increased by 49%. When discussing this with office staff, they were aware of the collection problems and had made suggestions in the past to the administration to improve collectability.

These suggestions included increasing the deposit required on shut-off accounts, increasing the penalty for non-payment and decreasing the number of days the account could go delinquent before shut-off. These suggestions require policy changes by the City Administration. The auditors recommended City Administration review these recommendations and also consider decreasing the number of days between the meter read date and the billing date.

MOTION: A motion to accept the 2009 Audit Report as presented was made by Councilmember Christensen, seconded and unanimously carried.

PLANNING COMMISSION BUSINESS

Amendment to City Code Chapter 29.21, West Forest Street Corridor Overlay, to Include Acceptable Uses and Additional Prohibited Uses

Mr. Bradley came forward and addressed the concerns expressed by Mr. Reeder. He stated that the City received an application from the Jehovah Witnesses organization. The applicant was in attendance so Mr. Bradley recommended the application be discussed, then the Council could table the item or vote on it.

Councilmember Marabella said he has had citizens express concern to him that the West Forest overlay has been in place for over five years and nothing has happened.

Councilmember Ericson stated that there are two different items, the issue of the overlay and dealing with property owners and the issue of the overlay area and the request for a church and a conditional use permit in the overlay zone.

Councilmember Christensen asked the applicants if they are conducive to the possibility of industrial development around their building. If things progress as hoped, it is very likely there will be industrial business near and around their church. Mr. Bradley stated that the Planning Commission was also concerned about this and asked the applicant how they felt about it. The applicant was aware of this possibility and is agreeable to it.

As part of this amendment, staff added convention centers and hotels/motels as permitted uses in the overlay zone and added sexually oriented business and tattoo establishments as prohibited uses.

The Council suggested that sometime in the future they meet with the West Forest property owners and staff to discuss the overlay zone.

MOTION: Councilmember Ericson made a motion to approve the amendment to Chapter 29.21, West Forest Street Corridor Overlay, to include acceptable uses and additional prohibited uses, seconded by Councilmember Jensen and unanimously carried.

MAKING LIFE BETTER - DEPARTMENT REPORTS

Update on Well Drilling - Mr. Fannesbeck and Mr. Pugsley gave an update on the Flat Bottom Canyon Well. The casing

and screening has been completed and they are getting ready to test pump the well. They are getting ready to flush and clean it. They are looking at pump testing next week. They are checking into the potential of ASR well injecting the well for water right issues.

OTHER BUSINESS

Mayor Fife announced a work session for February 4 at 6:00 to discuss options of financing residents that would like to finance fiber optics installation to their home and another work session for February 18 at 5:30 for the Council to give input on the 2010-11 budget.

CLAIMS

Payment Register

Councilmember Jensen moved to approve Miscellaneous Claims for December in the amount of \$379,494.76 and December 31 for \$388,800.00; General Claims dated January 20 in the amount of \$493,523.44. The motion was seconded and carried.

A motion to adjourn to an Executive Session to discuss the purchase, exchange or lease of real property was made by Councilmember Marabella. The motion was seconded and carried unanimously. The meeting adjourned at 8:55 p.m.